

House Bill 227

Background

The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) includes provisions that make significant improvements to the child support program established under Title IV-D of the Social Security Act. Specifically, the Act requires all states to enact any 2008 amendments to the Uniform Interstate Family Support Act (UIFSA). Pronounced "You-if-sa."

UIFSA establishes the rules by which states adhere when enforcing and modifying child support orders. For example, it allows a caretaker parent to have an order sent and enforced by another state where the obligor parent is presently residing. The 2008 version of UIFSA provides guidelines and procedures for the enforcement and modification of foreign support orders from countries that are parties to the 2007 Family Maintenance Convention.

Montana statutes presently have the 1996 version of UIFSA. House Bill 227 will update these statutes to conform with the 2008 version of UIFSA.

How Will HB 227 Help Montana Families?

- **Enhanced Recognition Abroad** – Enactment of HB 227 will improve the enforcement of Montana child support orders abroad and will ensure that children residing in the state will receive the financial support due from parents living in other countries.
- **Widely Supported** – UIFSA provides universal and uniform rules for the enforcement of child support orders. The 2008 UIFSA amendments are supported by the Uniform Law Commission, federal and state child support officials, and representatives of national child support organizations. U.S. Congressman David Camp (R-Michigan) sponsored the federal legislation (P.L. 113-183), and it passed with bipartisan support.

Why Is It Important That HB 227 Pass This Session?

- **Continued Federal Funding & Enforcement Tools** – The 2014 federal law requires that all states enact the 2008 UIFSA amendments by the end of their 2015 legislative session to remain eligible for continued federal financial matching funds and programs. Upwards of 69% of CSED operations are funded by the federal government through this program. In addition, as a condition of eligibility for a Temporary Assistance for Needy Families (TANF) block grant, a state must have a certified child support program. In FFY 2012, the TANF block grant to Montana was \$38 million dollars.
- **Montana Families Will Benefit Immediately** – For example, the CSED presently has an open case in which it is seeking to enforce a Montana child support order on behalf of a family living in Great Falls. The delinquent father has moved to Germany, and has not paid any amount of support for his two children since 2011. His unpaid support balance is \$11,059.03.

Germany is a member country of the 2007 Family Maintenance Convention. Passage of HB 227 will give CSED the ability to petition Germany's child support program to pursue the delinquent parent on the behalf of this Montana family.

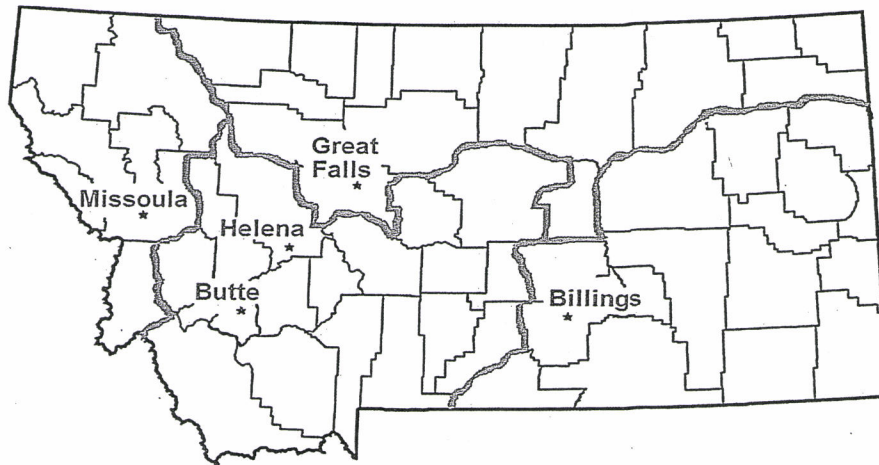
2007 Family Maintenance Convention Participating Countries

The United States of America	European Union	Malta
Albania	Finland	Netherlands
Austria	France	Norway
Belgium	Germany	Poland
Bosnia & Herzegovina	Greece	Portugal
Bulgaria	Hungary	Romania
Burkina Faso	Ireland	Slovakia
Croatia	Italy	Slovenia
Cyprus	Latvia	Spain
Czech Republic	Lithuania	Sweden
Estonia	Luxembourg	Ukraine
		United Kingdom

Current International Child Support Agreements With the United States

Australia	Hungary	Poland
The Canadian Provinces	Ireland	Portugal
Czech Republic	Israel	Slovak Republic
El Salvador	Netherlands	Switzerland
Finland	Norway	United Kingdom

Department of Public Health & Human Services
Child Support Enforcement Division

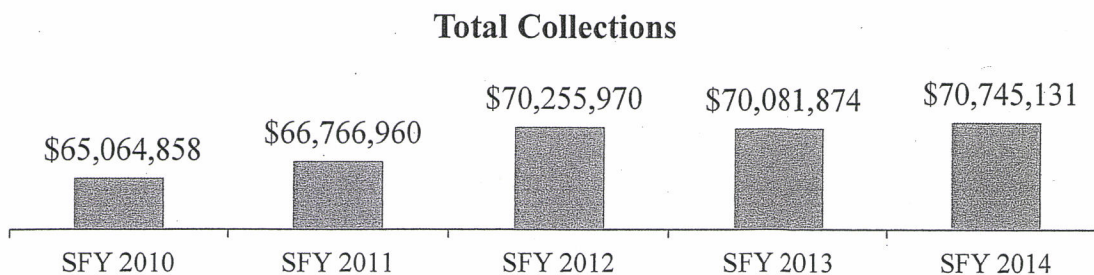


Open Cases	Total	Currently On Assistance	Formerly On Assistance	Never On Assistance
	39,068	4,911	20,525	13,632
Interstate Initiating	5,373	527	3,484	1,362
Interstate Responding	5,060	341	2,505	2,214
International Initiated	47	-	-	-
International Responding	25	-	-	-
	10,505	868	5,989	3,576

Support Due & Paid	Total	Current Assistance	Former Assistance	Never Assistance
Current Due	\$ 78,642,528	\$ 3,480,929	\$ 32,216,802	\$ 42,944,797
Current Paid	\$ 49,369,751	\$ 1,060,538	\$ 18,204,090	\$ 30,105,123
%	63%	30%	57%	70%
Arrears Due	\$ 148,744,145	\$ 7,655,257	\$ 96,914,862	\$ 44,174,025
Arrears Paid	\$ 16,734,856	\$ 506,200	\$ 8,891,874	\$ 7,336,782
%	11%	7%	9%	17%
Total Due	\$ 227,386,672	\$ 11,136,186	\$ 129,131,664	\$ 87,118,822
Total Paid*	\$ 66,104,607	\$ 1,566,738	\$ 27,095,964	\$ 37,441,905
%	29%	14%	21%	43%

*Line 27 excludes I/R collections (Reg. Helena)
Source: OCSE-157 Federal Report, FFY '14

Cases w/Arrears Due	34,197
Cases With Arrears Paid	22,446
%	66%





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WHY STATES SHOULD ADOPT THE UNIFORM INTERSTATE FAMILY SUPPORT ACT 2008 AMENDMENTS

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders. UIFSA represents a collaborative effort among the Uniform Law Commission (“ULC”), federal and state child support officials, and representatives of national child support organizations.

In 2008, the ULC approved amendments to UIFSA to incorporate the provisions of the 2007 Hague Convention on the International Recovery of Child Support of Family Maintenance into state law (“the Convention”). The Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. When the 2008 amendments were approved, all U.S. jurisdictions had in place a version of UIFSA.

The 2008 UIFSA amendments serve as the implementing language for the Convention throughout the states. The 2014 Preventing Sex Trafficking and Strengthening Families Act serves as the federal implementing legislation for the Convention.

All states should act expeditiously to enact the UIFSA 2008 amendments during their 2015 legislative session for the following reasons:

- **Funding** – The 2014 federal law requires that all states enact the 2008 UIFSA amendments by the end of their 2015 legislative session as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments by that time may result in a state’s loss of important federal funding. This conditional approach is not new; another federal law required all states to enact a previous version of UIFSA within a certain timeframe in order to receive the same federal funds for state child support programs. All jurisdictions complied.
- **Enhanced Recognition Abroad** – Enactment of the 2008 UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.
- **Guidelines for Foreign Support Orders** – The amendments provide guidelines and procedures for the registration, enforcement, and modification of foreign support orders from countries that are parties to the Convention.
- **Limited Changes** – The 2008 changes to UIFSA were limited to those necessary to accommodate the Convention. Sections 2-6 are largely unchanged, and a new Section 7 contains all rules applicable to cases involving the Convention.